

A Regular Meeting of the Zoning Board of Appeals of the Town of Lancaster, Erie County, New York, was held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York, on the 9th day of September 2004, at 8:00 P.M., and there were

PRESENT: JEFFREY LEHRBACH, CHAIRMAN
 JOHN ABRAHAM, JR. MEMBER
 ANTHONY ESPOSITO, MEMBER
 RICHARD QUINN, MEMBER
 ARLIE SCHWAN, MEMBER
 ROBERT THILL, MEMBER

ABSENT: WILLIAM MARYNIEWSKI, MEMBER

ALSO PRESENT: JOHANNA M. COLEMAN, TOWN CLERK
 JEFFREY SIMME, BUILDING INSPECTOR

The Affidavits of Publication and Posting of this Public Hearing are on file and a copy of the Legal Notice has been posted.

PETITION OF DOUGLAS & MARGARET FOX:

THE CASE TO BE CONSIDERED BY THE Zoning Board of Appeals was that of the petition of Douglas and Margaret Fox, 40 Quail Run Lane, Lancaster, New York 14086 for one [1] variance for the purpose of erecting a six [6] foot high fence in a required open space area on premises owned by the petitioners at 40 Quail Run Lane, Lancaster, New York, to wit:

A variance from the requirements of Chapter 50, Zoning, Section 35C. of the Code of the Town of Lancaster. The premises upon which this variance is sought is a corner lot fronting on Quail Run Lane with an exterior side yard [considered a front yard equivalent] fronting on Hunters Drive. The petitioners propose to erect a six [6] foot high fence within the required open space area of the exterior side yard fronting on Hunters Drive.

Chapter 50, Zoning, Section 35C. of the Code of the Town of Lancaster limits the height of a fence or wall extending into a front yard or an exterior side yard [considered a front yard equivalent] to three [3] feet in height. The petitioners, therefore, request a three [3] foot fence height variance.

The Clerk presented and entered into evidence the following items:

Duly executed petition of the applicants with exhibits and schedules attached thereto.

Copy of a letter notifying the petitioners of the time and place of this public hearing.

Copy of a letter notifying owners of property within 100 feet of requested variance of the time and place of this public hearing.

PERSONS ADDRESSING THE BOARD

Douglas Fox 40 Quail Run Lane Lancaster, New York 14086	Petitioner
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Margaret Fox 40 Quail Run Lane Lancaster, New York 14086	Petitioner
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Deena Folsom 28 Hunters Drive Lancaster, New York 14086	Opponent
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IN THE MATTER OF THE PETITION OF DOUGLAS & MARGARET FOX

THE FOLLOWING RESOLUTION WAS OFFERED
BY MR. THILL, WHO MOVED ITS
ADOPTION, SECONDED BY MR. ESPOSITO
TO WIT:

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Douglas & Margaret Fox and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 9th day of September 2004, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has made the following findings:

That the applicants are the present owners of the premises in question.

That the property for which the applicants are petitioning is within a Residential District 1, (R1) as shown on the Zoning Map of the Town of Lancaster.

That the use sought is a permitted use appearing in the Residential District 1, (R1) as specified in Chapter 50 of the Code of the Town of Lancaster.

That the character of the neighborhood in the area of Quail Run Lane and Hunters Drive with regard to fences erected within a front yard equivalent on corner lots is as follows:

- At 17 Hunters Drive, directly across the street from the petitioners' residence, a six foot high white vinyl fence has been erected on an arc shaped corner lot with a 17+/- foot property line set back from Hunters Drive.
- At 30 Quail Run Drive, a corner lot with an exterior side yard fronting on Hunters Drive, a six foot high white vinyl fence has been erected in the exterior side yard on Hunters Drive with a 5+/- foot property line set back from Hunters Drive.
- At 27 Quail Run Lane, a corner lot with an exterior side yard fronting on Stony Brook Drive, a six foot high board on board fence has been erected in the exterior side yard on Stony Brook Drive with a 5+/- foot property line set back from Stony Brook Drive.

That Deena Folsom of 28 Hunters Drive, the property owner immediately to the east of the subject premises expressed concern relative to an inability to see her child at the bus stop at the corner of Quail Run and Hunters Drive due to the location of the proposed fence.

That the same property owner Deena Folsom indicated that she does not feel that the fence location will obscure the line of sight for vehicles exiting the driveway at 28 Hunters Drive.

That no undesirable change will be produced in the character of the neighborhood by the granting of the area variance relief sought.

That this board has taken into consideration the benefit to the applicants if the variance relief sought is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

That such fence will not unduly shut out light or air to adjoining properties.

That such fence will not create a fire hazard by reason of its construction or location.

NOW, THEREFORE, BE IT

RESOLVED that based upon these findings, the relief sought be and is hereby **GRANTED** - subject to the following conditions which in the opinion of this board are appropriate conditions to minimize adverse effects on the character of the surrounding area and to safeguard the public health, safety, convenience and general welfare:

- That both the northeast and northwest corners of the proposed fence will be angled to accommodate one (1) 5'7-3/4" fence panel; said angle to meet the satisfaction of the Building Inspector.
- That the property owner and all future property owners of the premises at 40 Quail Run will be prohibited from planting any trees or shrubs in the exterior side yard of the premises that would adversely impact the sight lines of vehicles exiting the driveway at 28 Hunters Drive.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

MR. ABRAHAM	VOTED YES
MR. ESPOSITO	VOTED YES
MR. MARYNIEWSKI	WAS ABSENT
MR. QUINN	VOTED YES
MR. SCHWAN	VOTED YES
MR. THILL	VOTED YES
MR. LEHRBACH	VOTED NO

The resolution granting the variance was thereupon **ADOPTED**.

September 9, 2004

ON MOTION DULY MADE, SECONDED AND CARRIED, the meeting was adjourned at 8:55 P.M.

Signed _____
Johanna M. Coleman, Town Clerk
Dated: September 9, 2004

PRESENT: JAMES J. COLEMAN
 JOHN W. CHAMBERLAIN
 MICHAEL J. CHAMBERLAIN

ABSENT: WILLIAM J. CHAMBERLAIN

PRESENT: JAMES J. COLEMAN
 JOHN W. CHAMBERLAIN
 MICHAEL J. CHAMBERLAIN